

EX PARTE OR LATE FILED

BLUMENFELD & COHEN

SUMNER SQUARE

1615 M STREET, N.W. SUITE 700
WASHINGTON, D. C. 20036

202 955-6300

FACSIMILE 202 955-6460

101 CALIFORNIA STREET
42ND FLOOR

SAN FRANCISCO, CA 94111

415 394-7500

FACSIMILE 415 394-7505

June 6, 1995

VIA MESSENGER

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RECEIVED

JUN - 6 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: *ET Docket No. 93-7*
Notice of Ex Parte Communication

Dear Mr. Caton:

On Friday, June 2, representatives of Echelon Corporation met separately Kevin M. Saltzman of the Competition Division, Office of General Counsel, and Mark A. Corbitt, Director-Technology Policy, Office of Plans and Policy, to discuss the decoder interface proposals in ET Docket No. 93-7. Echelon was represented by Oliver R. Stanfield, Vice President & CFO, and the undersigned counsel. Jeffrey Blumenfeld of this law firm also participated in the meeting with Mr. Corbitt.

The subjects addressed included the appropriate Commission procedures for evaluating proposals for cable equipment compatibility under Section 624A of the Communications Act. Echelon recommended that, as to analog equipment, the Commission issue a Notice of Inquiry related to compliance by cable systems with Paragraph 47 of the May 1994 Report & Order, verifying the availability of converter equipment capable of providing relief for the specific incompatibilities referenced in Section 624A and soliciting changes to the Commission's Rules, as necessary, to ensure that appropriate supplemental equipment is made available to cable subscribers. With respect to digital programming security, Echelon proposed that the Commission limit its actions to establishment of the physical interface for a "modular" or "component" descrambling unit, consistent with PC-card (PCMCIA) or similar digital computer media standards, allowing consumers to plug the descrambling module into whatever consumer electronics equipment they desire, including computers, multimedia audio-visual equipment and set-top boxes, in addition to television receivers.

Echelon further proposed that the Commission delay the scheduled 1997 date for implementation of "cable ready" television labeling in order to permit issuance of a second NOI soliciting comment from a wider range of affected interests, including computer companies and potential video dialtone providers, on the August 1994 proposal by the Cable Consumer Equipment Compatibility Advisory Group. This follow-up inquiry is necessary, in Echelon's view, in order to allow adequate consideration of the C3AG proposal on the record, instead of through ex parte communications, and in particular to permit public comment on the proposal's use of an architecture that positions the television as the exclusive "gateway" to the information super-highway, its anticompetitive and technically unnecessary inclusion of a home automation proto-

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col on the proposed control bus, and its inappropriate requirement that consumers replace their televisions and VCRs in order to achieve the compatibility benefits anticipated by Section 624A.

Also discussed, in addition, were (1) the refusal of EIA and NCTA to cooperate with Echelon in developing a technology neutral alternative to the proposed C3AG decoder interface, and (2) the effect on Docket 93-7 of H.R. 1555, including the "Eshoo Amendment" to Section 624A adopted unanimously by the House Commerce Committee on May 25, 1995.

Copies of the attached documents were distributed at these meetings. Pursuant to Section 1.1206 of the Commission's Rules, two copies this letter are enclosed for filing. Please contact me should you have any questions in regard to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn B. Manishin". The signature is stylized with a large, sweeping initial "G" and a long, horizontal stroke extending to the right.

Glenn B. Manishin

GBM:hs

Enclosures

cc: John T. Nakahata
Maureen A. O'Connell
Lisa B. Smith
Mary McManus
Jill M. Luckett
Mark A. Corbitt
Kevin M. Satlzman



Via Facsimile

ECHELON

4015 Miranda Avenue
Palo Alto, California 94304
Telephone: 415-855-7400
Fax 415-855-6153

June 2, 1995

Wendell H. Bailey
Vice President—Science & Technology
National Cable Television Association
1724 Massachusetts Avenue, N.W.
Washington, DC 20036-1969

George A. Hanover
Staff Vice President—Engineering
Electronic Industries Association
2500 Wilson Boulevard
Arlington, VA 22201-3834

Dear Sirs:

I am writing to determine why your organizations have refused to cooperate in developing a compromise solution for ET Docket No 93-7. In our most recent March 16, 1995 meeting, it was agreed that as the next action item, you would forward to Echelon a "priorities list" of the commands and functionalities that, in your views, are required as part of a decoder interface for cable equipment compatibility. To date, however, we have received no follow-up list or any other communication from either EIA or NCTA, or from the C3AG Executive Committee.

Without this feedback from you, the process of seeking a consensual resolution to the cable compatibility issue has now broken down. Yet the FCC is under the impression, as Chairman Hundt reported to Representative Eshoo on May 19, that our organizations are still working together "to obtain a more technology neutral standard." As you know, Echelon has for some time believed that a competitively neutral result, one that does not disadvantage any home automation technology, is possible either with an architecture that does not employ a command bus or with a low-level protocol that is compatible with CEBus®, the LonTalk® protocol and other home automation approaches. We are distressed that your actions have made progress toward this objective—plainly shared by the Chairman—impossible.

This impasse is the latest in a long list of artificial roadblocks your organizations have created to participation of Echelon in the IS-105 standards process. At the request of the FCC's Office of Engineering & Technology, Echelon asked for meeting with the C3AG in the first week of November 1994. That meeting was not held, at Mr. Hanover's insistence that scheduling was not feasible, until February 24, 1995, nearly three months later. Furthermore, Echelon was advised that our concerns regarding the C3AG proposal were "policy" matters that should not be raised in the IS-105 decoder interface technical committees, but rather must be discussed directly with the C3AG Committee itself. Consequently, we have refrained from interfering in the engineering discussions at IS-105 meetings since then, in anticipation of an effort by the C3AG to reach accommodation on a technologically neutral approach to cable equipment

Wendell Bailey
George Hanover
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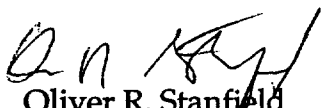
compatibility. The lack of C3AG response since March 16 is thus inconsistent with a good faith attitude toward resolving these issues.

We find this pattern of delay and obfuscation to be unacceptable, but characteristic of the actions of both your organizations. For instance, on November 11, I wrote one of the co-chairs of C3AG, in response to his suggestion that Echelon meet with "the parent group" of the decoder interface technical committee, to ask that he identify the name, members and chair of that group. Echelon never received a response. On February 10, we asked Mr. Hanover whether EIA's "descrambling only" solution would incorporate a command bus or any part of the IS-60 protocol or command set. Despite having told OET that the descrambling only architecture would resolve Echelon's concerns, Mr. Hanover wrote in response that the issue was "under consideration in the TV and VCR manufacturers caucus of the C3AG." We now know that OET was misinformed.

Finally, EIA's recent ex parte filing with the Commission compounds these problems with additional false and misleading statements. EIA claimed that Echelon "has never actively participated" in the IS-105 process, when the truth is that we have been attempting since November 1994 to work directly with the C3AG, the sponsoring organization, on development of a technical solution, and were instructed by Mr. Ciciora not to raise our so-called "policy" concerns in the IS-105 technical committees. EIA also claimed that the decoder interface must use the CEBus CAL language because otherwise C3AG would have had "to develop or use an equivalent, agreed upon language" for the command bus. Echelon proposed in our initial February 24 meeting the substitution of the I²C protocol (even though we showed that no protocol whatsoever was required for the application), which both sides concurred would meet all standards requirements in a competitively neutral manner. You have once again failed to respond to our initiative. Thus, it is only the refusal of EIA and NCTA to consider compromise solutions which would meet Chairman Hundt's objectives that has prevented agreement on a common and technology neutral command bus protocol.

If you are interested in reopening our discussions in order to work toward that end, please contact me. Regardless, Echelon would appreciate if you would refrain from arguing the legitimate issues in Docket 93-7 with falsehoods and strawmen.

Sincerely,


Oliver R. Stanfield
Vice President & CFO

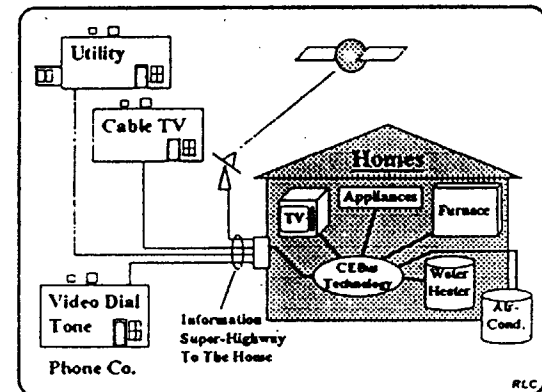
cc: Walter Ciciora
Jim Bonan

The Information Highway Needs CEBus and Home LANs

Homes will soon have access to multiple sources of high speed information. Those offering these information services will be sending proprietary signals into the home.

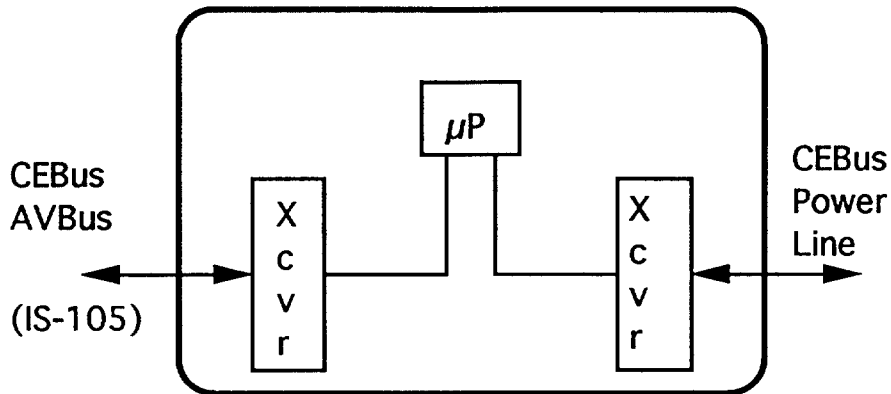
Each of these signals will likely be directed at the home's TV, as well as other household products. With multiple proprietary signals converging on the same household device, an information "traffic jam" is likely to ensue.

However, with CEBus Technology home LANs can provide the mechanism necessary to manage the home's information traffic flow and avoid information traffic jams.



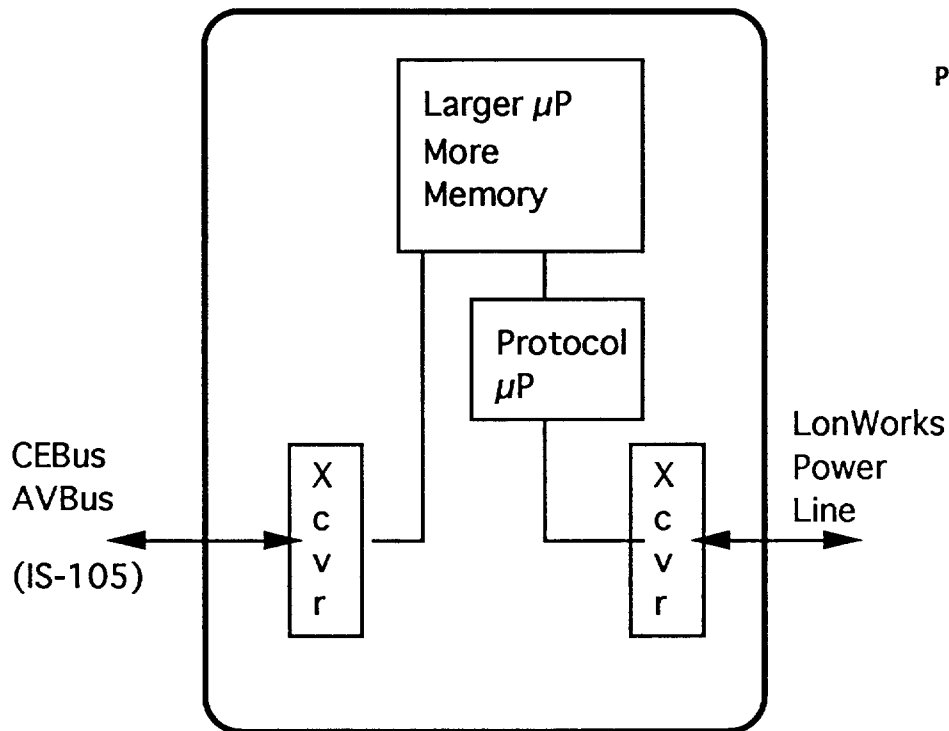
Without CEBus Technology home LANs, the home could be a traffic jam on the information highway.

CEBus to CEBus Router



Simple bridge and repeter

CEBus to LonWorks Router



Protocol Conversion Complexities

- Address translation
- Layer 7 translation
- Network management
- End-to-end services
 - Acknowledgments
 - Authentication
 - Priority
- Speed mismatch
- Larger buffers

